



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

2002 LEGISLATIVE SUMMARY

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A Guide To Using This Legislative Summary

How This Summary Should Be Used:

The “IDEM 2002 Legislative Summary” highlights the main points of legislation from the second regular session of the 112th Indiana General Assembly. The summary focuses only on those topics that directly affect IDEM activities or is information that may be of interest.

This summary is organized by topic according to programs. Please note that several topics may affect more than one program, but are listed only in the program that is most affected.

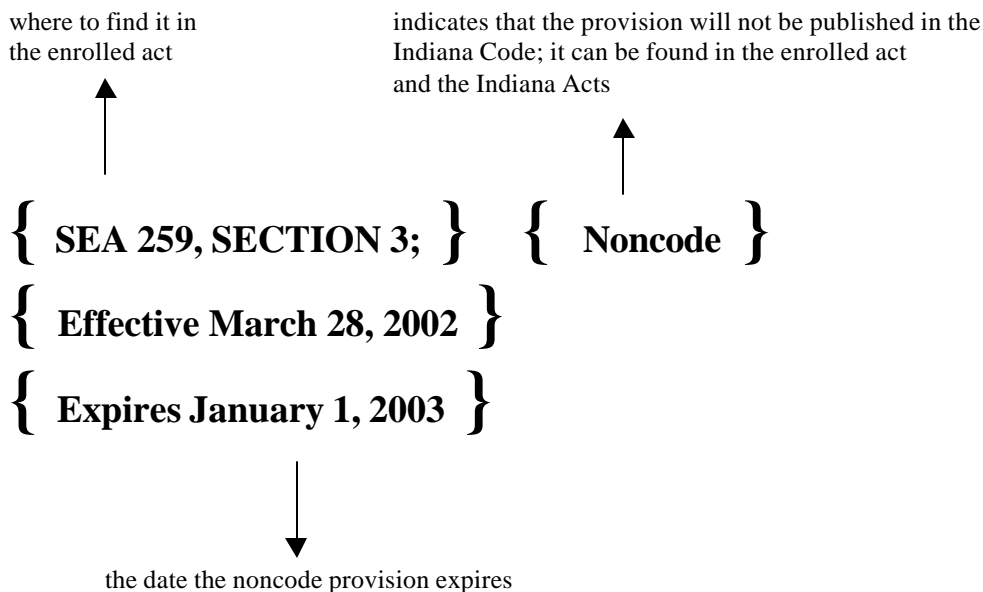
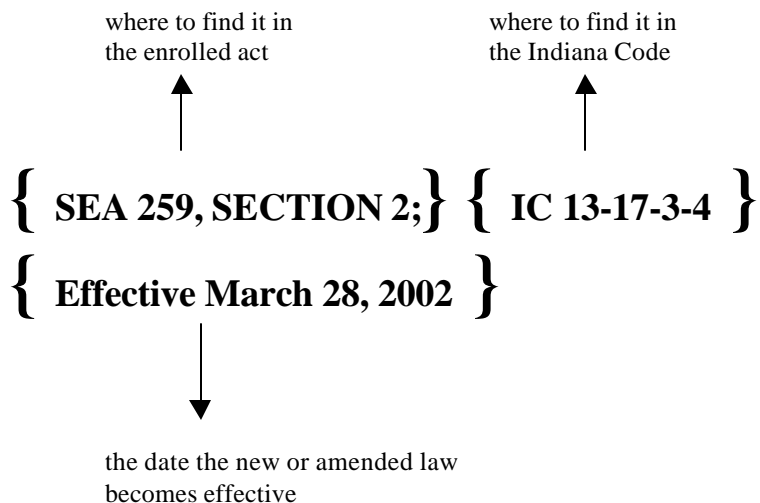
This summary is provided as a reference guide. It highlights the main points of each topic and directs you to the location of the exact language in the enrolled act. Please note that the summary for each topic is not exhaustive. It should not take the place of looking at the actual language in the act. It is recommended that you use the summary only as an initial reference, then refer to the actual act for the exact wording and context.

Acronyms Used in This Summary:

a.k.a.	also known as
APCB	Air Pollution Control Board
CFR	Code of Federal Regulations
ELTF	Underground Petroleum Storage Tank Excess Liability Trust Fund
EQSC	Environmental Quality Service Council
FSSA	Family and Social Services Administration
HCR	House Concurrent Resolution
HEA	House Enrolled Act
HR	House Resolution
IAC	Indiana Administrative Code
IC	Indiana Code
IDEM	Indiana Department of Environmental Management
IDNR	Indiana Department of Natural Resources
IDOC	Indiana Department of Commerce
ISDH	Indiana State Department of Health
IURC	Indiana Utility Regulatory Commission
LSA	Legislative Services Agency
MTBE	methyl tertiary butyl ether
NPDES	National Pollutant Discharge Elimination System
P.L.	Public Law
SCR	Senate Concurrent Resolution
SEA	Senate Enrolled Act
SWMD	Solid Waste Management District
U.S.C.	United States Code
U.S. EPA	United States Environmental Protection Agency

How To Use The Reference Information Provided In This Summary

A reference is provided for each entry in the summary and appears in italics. The reference information will vary as follows:



MULTI-PROGRAMS

APPLICANT REMEDIES FOR RENEWAL APPLICATIONS OF ADMINISTRATIVELY EXTENDED PERMITS

HEA 1329, SECTION 6; Amends IC 13-15-4-11

Effective March 28, 2002

- An applicant for a renewal of a permit may proceed with the remedies available to applicants when IDEM fails to issue a decision on a new or modification to a permit within the specified time frame if the renewal application was submitted within the specified number of days prior to expiration and if IDEM fails to issue the renewal prior to the expiration of the existing permit. The applicant may proceed after notifying the commissioner of IDEM in writing of its intent to do so.
- **Background information:** *Remedies include the following:*
 - 1) *Refund of application fee and IDEM continues review of application.*
 - 2) *Refund of application fee and applicant submits draft permit.*
 - 3) *Applicant hires an outside consultant to prepare a draft permit that is reviewed and approved by IDEM.*
- For the third remedy, rather than the application fee being used toward hiring an outside consultant to prepare a draft permit, the applicant pays the entire amount toward hiring an outside consultant.

HEA 1329, SECTION 7; Amends IC 13-15-4-14

Effective March 28, 2002

- Applicants for renewals are not prohibited from proceeding under the remedies if construction or operation of the equipment or facility has already begun.

HEA 1329, SECTION 8; Amends IC 13-15-4-15

HEA 1329, SECTION 9; Amends IC 13-15-4-16

Effective March 28, 2002

- If an applicant chooses to proceed under the third remedy, then the applicant and IDEM shall jointly, rather than just IDEM, select an outside consultant.

HEA 1329, SECTION 9; Amends IC 13-15-4-16

Effective March 28, 2002

- The commissioner of IDEM and the applicant may mutually agree to extend the deadlines for actions on a draft permit application submitted by the applicant or prepared by an outside consultant.

HEA 1329, SECTION 30; Noncode—Repealers

Effective March 28, 2002

- IC 13-15-4-12, the section that stated that an applicant may not receive a refund of a renewal application fee, is repealed.
- IC 13-15-4-13, the section that stated that an applicant may not proceed with the remedy of hiring an outside consultant to prepare a draft permit if the commissioner of IDEM determines that a qualified consultant is not available, is repealed.

FINANCIAL REPORTING TO THE EQSC

HEA 1329, SECTION 12; Adds IC 13-15-11-6

Effective March 28, 2002

- IDEM is directed to report to the EQSC before September 1 of each even-numbered year regarding the following:
 - 1) IDEM's proposed distribution of funds among the NPDES, solid waste, and hazardous waste programs for the current state fiscal year;
 - 2) IDEM's rationale for the proposed distribution;
 - 3) any difference between the proposed distribution and the distribution made by IDEM in the immediately preceding state fiscal year; and
 - 4) the results of an independent audit of the correlation between the distribution made by IDEM with respect to and IDEM's actual expenses related to the NPDES, solid waste, and hazardous waste programs in the immediately preceding state fiscal year.

INDIANA HARBOR SHIP CANAL MAINTENANCE DREDGING AND DISPOSAL PROJECT STUDY COMMITTEE

House Resolution (HR) 72; Adopted by the House

- The Legislative Council is urged to establish the Indiana Harbor Ship Canal Maintenance Dredging and Disposal Project Study Committee.
- If established, the committee should consist of the following 12 members:
 - 1) Two members of the House of Representatives appointed by the Speaker who are not affiliated with the same political party, and at least one of whom represents a House district that has territory that is directly affected by the project.
 - 2) Two members of the Senate appointed by the President Pro Tempore who are not affiliated with the same political party, and at least one of whom represents a Senate district that has territory that is directly affected by the project.
 - 3) The following eight members appointed by the Governor:
 - A) The mayor of East Chicago.
 - B) One member of the East Chicago city council.
 - C) One representative of IDEM.
 - D) One representative of a nonprofit environmental organization.
 - E) Four residents of East Chicago.If the Governor does not make an appointment before May 1, 2002, the chairman of the Legislative Council shall make the appointment.
- If established, the committee shall do the following:
 - 1) Study and assess the project.
 - 2) Study the viability of the site the United States Army Corps of Engineers has selected for the project's Confined Disposal Facility.
 - 3) Study the viability of alternative sites for the project's Confined Disposal Facility.
 - 4) Submit its final report before January 1, 2003, to the Governor, the executive director of LSA, and the commissioner of IDEM. The committee shall assure that the final report is made readily available to the residents of East Chicago, businesses and industry in East Chicago, and the general public.
- An appointed member of the committee serves at the pleasure of the appointing authority. The appointing authority shall fill any vacancy on the committee within 45 days. A member may not appoint a proxy or otherwise designate another person to participate in the activities of the committee.

- The chairman of the Legislative Council shall designate the chairperson of the committee from the membership of the committee.
- LSA shall provide staff support to the committee.
- The expenses of the committee shall be paid from appropriations made to the Legislative Council or LSA.
- The committee, if established, shall operate under the direction of the Legislative Council and issue a final report when directed to do so by the Legislative Council.

ANTITERRORISM MEASURES

HEA 1001, SECTION 1; Adds IC 4-3-20

Effective July 1, 2002

- The Counterterrorism and Security Council is established. The commissioner of IDEM is a member of the council.
- The council is directed to do the following:
 - 1) Develop a strategy to enhance the state's capacity to prevent and respond to terrorism.
 - 2) Develop a counterterrorism plan in conjunction with relevant state agencies, including a comprehensive needs assessment.
 - 3) Review each year and update the counterterrorism plan when necessary.
 - 4) Develop in concert with the law enforcement training academy a counterterrorism curriculum for use in basic police training and for advanced in-service training of veteran law enforcement officers.
 - 5) Develop an affiliate of the council in each county to coordinate local efforts and serve as the community point of contact for the council and the United States Office of Homeland Security.

HEA 1001, SECTION 52; Noncode

Effective July 1, 2002

Expires January 1, 2003

- The interim study committee on Terrorism is established to study issues related to terrorism.

REFERENCES TO THE STATE BOARD OF TAX COMMISSIONERS REPLACED WITH THE DEPARTMENT OF LOCAL GOVERNMENT FINANCE

SEA 357, SECTION 282; Amends IC 6-1.1-42-5 (Brownfield revitalization zone tax abatement)

SEA 357, SECTION 283; Amends IC 6-1.1-42-17 (Brownfield revitalization zone tax abatement)

SEA 357, SECTION 284; Amends IC 6-1.1-42-27 (Brownfield revitalization zone tax abatement)

SEA 357, SECTION 285; Amends IC 6-1.1-42-28 (Brownfield revitalization zone tax abatement)

SEA 357, SECTION 286; Amends IC 6-1.1-42-30 (Brownfield revitalization zone tax abatement)

SEA 357, SECTION 287; Amends IC 6-1.1-42-32 (Brownfield revitalization zone tax abatement)

SEA 357, SECTION 367; Amends IC 13-18-8-2 (Water—Compliance with orders)

SEA 357, SECTION 368; Amends IC 13-21-3-13.5 (Solid Waste Management Districts—report of funds)

SEA 357, SECTION 369; Amends IC 13-21-3-15 (Solid Waste Management Districts—exception to property tax rate limit)

SEA 357, SECTION 370; Amends IC 13-21-3-21 (Solid Waste Management Districts—approval of district annual budget)

Effective March 21, 2002

SEA 357, SECTION 528; Noncode (Effect of reference changes)

Effective January 1, 2002 (retroactive)

- References to the State Board of Tax Commissioners is replaced with the newly established Department of Local Government Finance.

ADJUSTMENT OF CENSUS NUMBERS IN STATUTES

SEA 357, SECTION 369; Amends IC 13-21-3-15 (Gibson County SWMD property tax rate)

Effective March 21, 2002

SEA 399, SECTION 85; Amends IC 13-13-6-1 (Northwest Indiana Advisory Board)

SEA 399, SECTION 86; Amends IC 13-17-5-5.4 (Motor vehicle emissions testing in Clark and Floyd Counties)

SEA 399, SECTION 87; Amends IC 13-17-11-2 (Thermal oxidation unit permits in Lake and Porter Counties)

SEA 399, SECTION 88; Amends IC 13-20-23-2 (Municipal waste disposal fees in St. Joseph County)

SEA 399, SECTION 89; Amends IC 13-21-3-12.2 (Vanderburgh County Solid Waste Management District powers)

SEA 399, SECTION 90; Amends IC 13-21-3-14.5 (Waste Management Services—exceptions for LaPorte & Lake Counties)

SEA 399, SECTION 91; Amends IC 13-21-13-1 (SWMD final disposal fees—exception for LaPorte County)

Effective April 1, 2002

SEA 399, SECTION 182; Noncode (Effect of population parameter changes)

Effective March 1, 2002 (retroactive)

SEA 399, SECTION 183; Noncode (Effect of population parameter changes)

Effective January 1, 2002 (retroactive)

- The population parameters are changed in various statutes to reflect the population count determined under the 2000 decennial census.

TECHNICAL CORRECTIONS

Expiration of the Indiana Institute on Recycling

SEA 216, SECTION 61; Amends IC 13-11-2-17

SEA 216, SECTION 62; Amends IC 13-11-2-71

SEA 216, SECTION 63; Amends IC 13-11-2-110

SEA 216, SECTION 162; Amends IC 36-9-31-26

SEA 216, SECTION 172; Noncode—Repealer

Effective March 14, 2002

- IC 13-20-18, on the Indiana Institute on Recycling, is repealed since IC 13-20-18 expired on June 30, 2001.
- References to the Indiana Institute on Recycling are removed.

Industrial Waste Disposal

SEA 216, SECTION 64; Amends IC 13-11-2-206

SEA 216, SECTION 65; Amends IC 13-11-2-212

Effective March 14, 2002

- An internal reference is corrected from “IC 13-19-3-8” to “IC 13-19-3-8.2”.

Expiration of Provision on Transfer of Funds

SEA 216, SECTION 66; Amends IC 13-23-8-6

SEA 216, SECTION 172; Noncode—Repealer

Effective March 14, 2002

- IC 13-23-15, on the transfer of money to the Underground Petroleum Storage Tank Trust Fund (a.k.a. Petroleum Trust Fund) and to the Underground Petroleum Storage Tank Excess Liability Trust Fund (a.k.a. Excess Liability Trust Fund or ELTF) from the Environmental Management Special Fund, and reimbursement back to the Special Fund, is repealed since IC 13-23-15 expired on July 1, 2001.

Regional Water, Sewage, and Solid Waste Districts

SEA 216, SECTION 67; Amends IC 13-26-5-2.5

SEA 216, SECTION 68; Amends IC 13-26-11-15

Effective March 14, 2002

- Grammatical and internal reference corrections are made to the provisions on regional districts.

RECODIFICATION OF TITLE 32: PROPERTY

SEA 57, SECTION 5; Adds IC 32-20-3-2(6) (Hazardous waste landfill restrictive covenants)

SEA 57, SECTION 6; Adds IC 32-21-11-1 (Responsible property transfer law)

Effective July 1, 2002

- Title 32 Property is recodified to reorganize and restate the law without substantive change.

SEA 57, SECTION 56; Amends IC 13-17-7-5 (Clean Air Act—civil action)

SEA 57, SECTION 57; Amends IC 13-18-16-16 (Nonprofit water utility as a water authority)

Effective July 1, 2002

- Internal references in Title 13 Environment are made to conform to the Title 32 recodification.

AIR PROGRAM

HAZARDOUS AIR POLLUTANT EMISSIONS REPORTING

SEA 259, SECTION 1; Amends IC 13-11-2-213

SEA 259, SECTION 2; Amends IC 13-17-3-4

Effective March 28, 2002

- The Air Pollution Control Board is given the authority to adopt rules to require sources to report hazardous air pollutant emissions if the reporting is necessary to demonstrate compliance with emissions and other performance standards established under 42 U.S.C. 7412 or 42 U.S.C. 7429.
- The Air Pollution Control Board is given the authority to amend 326 IAC 2-6 to allow IDEM to request hazardous air pollutant emissions data from individual sources for the purpose of site specific studies of hazardous air pollutant emissions and impacts.
- The Air Pollution Control Board is given the authority to amend 326 IAC 2-6 or adopt new rules to establish a general requirement for sources to report hazardous air pollutant emissions (as defined by 42 U.S.C. 7412(b)). However, the rules amended or adopted by the board may not require sources to report hazardous air pollutant emissions before January 1, 2004.

SEA 259, SECTION 3; Noncode

Effective March 28, 2002

Expires January 1, 2003

- The EQSC is directed to do the following:
 - 1) Develop and propose a plan for the creation and funding of an effective hazardous air pollutant monitoring program to help assess potential health risks from hazardous air pollutants posed by urban air and significant sources.
 - 2) Consider methods for IDEM and ISDH to:
 - A) request and receive hazardous air pollution release information in a timely and effective manner; and
 - B) communicate to the public and the reporting sources the responses received as a result of the requests.
 - 3) Provide to the executive director of LSA at the time the EQSC submits its final report in 2002 as directed by the Legislative Council, a report of its activities related to 1) and 2) above, and an outline of the hazardous air pollutant program plan developed and proposed.

SEA 259, SECTION 4; Noncode

Effective March 28, 2002

Expires January 1, 2003

- IDEM and ISDH are directed to do the following:
 - 1) Jointly develop a five-year hazardous air pollutant strategy that includes at least the following:
 - A) An inventory of known hazardous air pollutant emissions in Indiana, including quantities and types of sources.
 - B) An assessment of the quality and usefulness of existing data on hazardous air pollutant:
 - i) emissions;
 - ii) air quality monitoring; and
 - iii) human health impacts.
 - C) A description of the gaps in the existing data, alternatives to fill those gaps, and IDEM's preferred approach among those alternatives.

- D) Based on available information, IDEM's top ten priorities to address significant risks posed by hazardous air pollutant releases and the basis for each priority.
 - E) Based on available information, an inventory of commercial and industrial air pollutant sources, air pollutant source categories, and hazardous air pollutants that require additional study to determine potential human health impacts.
 - F) A plan that identifies additional hazardous air pollutant data needs, including the:
 - i) intended uses of;
 - ii) processes to be used to collect; and
 - iii) resources necessary to collect and assess; the additional data.
- 2) Provide the five-year hazardous air pollutant strategy in writing to the EQSC before November 1, 2002.

LEAD-BASED PAINT

HEA 1171, SECTION 2; Amends IC 13-17-14-3

HEA 1171, SECTION 4; Amends IC 13-17-14-5

Effective July 1, 2002

- The issuance period for lead-based paint activity licenses is extended from one year to three years. A lead-based paint activity license issued before July 1, 2002, expires on June 30, 2004. A lead-based paint activity license issued after June 30, 2002, expires three years after the date of issuance.
- A lead-based paint activities license or a clearance examiner license may be renewed for a three-year period.
- A person must obtain a new type of license called a "clearance examiner license" when a person engages in the clearance of nonabatement activities under 24 CFR 35.1340(b)(1)(iv), as in effect July 1, 2002. A clearance examiner license is issued for a three-year period. A person seeking a clearance examiner license must take required training and meet any requirement established by rules adopted by the Air Pollution Control Board before a person may receive a clearance examiner license.
- A person seeking a license only for the disciplines of inspector, risk assessor, project designer, or supervisor must pass an examination provided by IDEM or a third party as required by rules adopted by the Air Pollution Control Board.

HEA 1171, SECTION 3; Adds IC 13-17-14-14.5

Effective July 1, 2002

- A clearance examiner training program must meet requirements specified in rules adopted by the Air Pollution Control Board before providing initial or refresher training to a person seeking a license.
- IDEM may approve a clearance examiner training course.
- A clearance examiner training course must be conducted by an instructor approved by IDEM.

HEA 1171, SECTION 4; Amends IC 13-17-14-5

Effective July 1, 2002

- The Air Pollution Control Board is directed to adopt rules that do the following:
 - 1) Establish minimum requirements for the issuance of a license for clearance examiners. The minimum requirements must be sufficient to allow the clearance examiner to perform clearance examinations without the approval of a certified risk assessor or inspector as provided in 24 CFR 35.1340(b)(1)(iv), as in effect July 1, 2002.
 - 2) Establish minimum requirements for approval of the providers of clearance examiner training courses.

- 3) Establish minimum qualifications for clearance examiner training course instructors.
- 4) Establish that a fee of not more than \$150 per person, per license, for lead-based paint activity licenses and clearance examiner licenses are for the period of the license, rather than per year.
- 5) Establish a fee of not more than \$1,000 per course, per year, for a clearance examiner training program seeking approval of a clearance examiner training course. A state, a municipal corporation, a unit, and an organization exempt from income taxation under 26 U.S.C. 501(a) are exempt from paying the clearance examiner training course provider fee.

HEA 1171, SECTION 5; Amends IC 13-17-14-11

Effective July 1, 2002

- The commissioner of IDEM has the authority to reprimand, suspend, or revoke the license of a clearance examiner, and revoke the approval of a clearance examiner training course, for specified reasons.

HEA 1171, SECTION 1; Adds IC 13-11-2-36.5

HEA 1171, SECTION 6; Adds IC 13-17-14-12

Effective July 1, 2002

- “Component” is defined.
 - The following provisions apply to remodeling, renovation, and maintenance activities at target housing and child occupied facilities built before 1960, and lead-based paint activities.
 - The following provisions do not apply to an individual who performs remodeling, renovation, or maintenance activities within a residential dwelling that the individual owns, unless the residential dwelling is occupied:
 - 1) while the activities are being performed, by an individual other than the owner or a member of the owner's immediate family; or
 - 2) by a child who:
 - A) is less than seven years of age or an age specified in rules adopted by the Air Pollution Control Board; and
 - B) resides in the building and has been identified as having an elevated blood lead level.
 - For purposes of IC 13-17-14-12, paint is considered to be lead-based paint unless the absence of lead in the paint has been determined by a lead-based paint inspection.
 - A person not exempted from these provisions that performs remodeling, renovation, and maintenance activities at target housing and child occupied facilities built before 1960, and lead-based paint activities that disturbs:
 - 1) exterior painted surfaces of more than 20 square feet;
 - 2) interior painted surfaces of more than two square feet in any one room or space; or
 - 3) more than 10 percent of the combined interior and exterior painted surface area of components of the building;
- shall meet the following requirements:
- 1) A person may not use any of the following methods to remove lead-based paint:
 - A) Open flame burning or torching.
 - B) Machine sanding or grinding without high efficiency particulate air local exhaust control.
 - C) Abrasive blasting or sandblasting without high efficiency particulate air local exhaust control.
 - D) A heat gun that operates above 1,100 degrees Fahrenheit, or chars the paint.
 - E) Dry scraping, except in conjunction with a heat gun, or within one foot of an electrical outlet.

- F) Dry sanding, except within one foot of an electrical outlet.
- 2) In a space that is not ventilated by the circulation of outside air, a person may not strip lead-based paint using a volatile stripper that is a hazardous chemical under 29 CFR 1910.1200, as in effect July 1, 2002.
- 3) A person conducting remodeling, renovation, and maintenance activities at target housing and child occupied facilities built before 1960, and lead-based paint activities on painted exterior surfaces may not allow visible paint chips or painted debris that contains lead-based paint to remain on the soil, pavement, or other exterior horizontal surface for more than 48 hours after the surface activities are complete.

HEA 1171, SECTION 12; Noncode

Effective July 1, 2002

Expires July 1, 2003

- Before July 1, 2003, the Air Pollution Control Board is directed to amend 326 IAC 23 to reflect HEA 1171.

HEA 1171, SECTION 9; Adds IC 16-41-39.4-3

Effective July 1, 2003

- A person that examines the blood of a child less than seven years of age for the presence of lead must report to ISDH the results of the examination not later than one week after completing the examination. The report must include at least the following:
 - 1) With respect to the child whose blood is examined, the name, the date of birth, the gender, the race, and any other information that is required to be included to qualify to receive federal funding.
 - 2) With respect to the examination, the date, the type of blood test performed, the person's normal limits for the test, the results of the test, and the person's interpretation of the results of the test.
 - 3) The names, addresses, and telephone numbers of the person, and the attending physician, hospital, clinic, or other specimen submitter.

HEA 1171, SECTION 10; Adds IC 16-41-39.4-4

HEA 1171, SECTION 7; Amends IC 16-41-8-1

HEA 1171, SECTION 11; Adds IC 34-30-2-83.3

Effective July 1, 2002

- Notwithstanding IC 16-41-8-1, ISDH, FSSA, and local health departments shall share among themselves and with the federal Department of Health and Human Services information, including a child's name, address, and demographic information, that is gathered after January 1, 1990, concerning the concentration of lead in the blood of a child less than seven years of age to determine the prevalence and distribution of lead poisoning in children less than seven years of age.
- Notwithstanding IC 16-41-8-1, ISDH, FSSA, and local health departments shall share information concerning the concentration of lead in the blood of a child less than seven years of age that is gathered after July 1, 2002, with organizations that administer state and local programs covered by the United States Department of Housing and Urban Development regulations concerning lead-based paint poisoning prevention in certain residential structures under 24 CFR Subpart A, Part 35 to ensure that children potentially affected by lead-based paint and lead hazards are adequately protected from lead poisoning.
- A person who shares data under this section is not liable for any damages caused by compliance with this section.

HEA 1171, SECTION 8; Amends IC 16-41-39.4-1

Effective July 1, 2002

- ISDH is given the authority to adopt rules to implement IC 16-41-39.4 on childhood lead poisoning.

INDOOR AIR QUALITY IN SCHOOLS

SEA 407, SECTION 1; Adds IC 20-10.1-33

Effective July 1, 2002

- The ISDH may adopt rules to establish an indoor air quality in schools inspection and evaluation program to assist schools in developing plans to improve indoor air quality.
- “School” refers to a public school or a nonpublic school that is not located in a private home.
- The ISDH is directed to do the following:
 - 1) Inspect a school for which ISDH has received a complaint about the quality of air in the school.
 - 2) Report the results of the inspection to the person who complained about the quality of air in the school, the school's principal, the superintendent of the school district (if the school is part of a school district), the Indiana state board of education (if the school is a public school or an accredited nonpublic school), and the appropriate local or county board of health.
 - 3) Assist the school in developing a reasonable plan to improve air quality conditions found in the inspection.
- The School Air Quality Panel is established to assist ISDH in carrying out the indoor air quality in schools inspection and evaluation program. The 11 member panel shall do the following:
 - 1) Identify and make available to schools best operating practices for indoor air quality in schools.
 - 2) Assist ISDH in developing plans to improve air quality conditions found in inspections.

SEA 407, SECTION 2; Amends IC 21-2-15-4

Effective July 1, 2002

- A school corporation may use a capital projects fund to carry out a plan to improve air quality conditions found in an inspection.

USE OF MTBE AS A GASOLINE ADDITIVE

SEA 381, SECTION 1; Adds IC 16-18-2-242.9

SEA 381, SECTION 2; Adds IC 16-44-2-2.4

SEA 381, SECTION 3; Amends IC 16-44-2-8

Effective July 1, 2002

- “MTBE” refers to the gasoline additive methyl tertiary butyl ether.
- After July 23, 2004, gasoline sold, offered for sale, or used in Indiana may not contain more than 0.5 percent of MTBE by volume.

CENTER FOR COAL TECHNOLOGY RESEARCH

SEA 29, SECTION 1; Adds IC 4-4-30

SEA 29, SECTION 2; Amends 4-23-5.5-16

Effective July 1, 2002

- The Center For Coal Technology Research is established to perform the following duties:
 - 1) Develop technologies that can use Indiana coal in an environmentally and economically sound manner.
 - 2) Investigate the reuse of clean coal technology byproducts, including fly ash.
 - 3) Generate innovative research in the field of coal use.
 - 4) Develop new, efficient, and economical sorbents for effective control of emissions.

- 5) Investigate ways to increase coal combustion efficiency.
 - 6) Develop materials that withstand higher combustion temperatures.
 - 7) Carry out any other matter concerning coal technology research as determined by the Center For Coal Technology Research.
- The Center For Coal Technology Research shall be located at Purdue University at West Lafayette.
 - The Center For Coal Technology Research shall cooperate with, execute agreements, and use the resources of state educational institutions, state or federal departments or agencies, political subdivisions, and interest groups representing business, environment, industry, science, and technology.
 - The Coal Technology Research Fund is established to provide money for the Center For Coal Technology Research and for the director to carry out the duties. The budget agency shall administer the fund. The fund consists of the money appropriated by the general assembly, gifts, grants, and bequests.

UTILITY GENERATION AND CLEAN COAL TECHNOLOGY

SEA 29, SECTION 4; Adds IC 8-1-2-6.8

SEA 29, SECTION 6; Adds IC 8-1-8.8

Effective March 28, 2002

- “Clean coal technology” is defined as a technology (including precombustion treatment of coal):
 - 1) that is used in a new or existing energy generating facility and directly or indirectly reduces airborne emissions of sulfur, mercury, or nitrogen oxides or other regulated air emissions associated with the combustion or use of coal; and
 - 2) that either:
 - A) was not in general commercial use at the same or greater scale in new or existing facilities in the United States at the time of enactment of the federal Clean Air Act Amendments of 1990 (P.L.101-549); or
 - B) has been selected by the United States Department of Energy for funding under its Innovative Clean Coal Technology program and is finally approved for such funding on or after the date of enactment of the federal Clean Air Act Amendments of 1990 (P.L.101-549).

SEA 29, SECTION 3; Amends IC 8-1-2-6.6

SEA 29, SECTION 4; Adds IC 8-1-2-6.8

Effective March 28, 2002

- The requirement that energy generating facilities must be primarily fueled by Indiana coal in order to recover in their rates construction costs for clean coal technologies is eliminated for construction that begins after March 31, 2002.
- Upon the request of a utility that begins construction after March 31, 2002, of qualified pollution control property that is to be used and useful for the public convenience, the IURC shall for ratemaking purposes add to the value of that utility's property the value of the qualified pollution control property under construction.
- The IURC is directed to adopt administrative rules to implement these provisions.
- “Qualified pollution control property” is defined as an air pollution control device on a coal burning energy generating facility or any equipment that constitutes clean coal technology that has been approved for use by the commission and that meets applicable state or federal requirements.

SEA 29, SECTION 5; Amends IC 8-1-2-48

SEA 29, SECTION 6; Adds IC 8-1-8.8

Effective March 28, 2002

- The purpose of these provisions is to enhance Indiana's energy security and reliability by ensuring all of the following:
 - 1) Indiana's energy generating capacity continues to be adequate to provide for Indiana's current and future energy needs, including the support of the state's economic development efforts.
 - 2) The vast and underutilized coal resources of the Illinois Basin are used as a fuel source for new energy generating facilities.
 - 3) The electric transmission system within Indiana is upgraded to distribute additional amounts of electricity more efficiently.
 - 4) Jobs are created as new energy generating facilities are built in regions throughout Indiana.
- “Clean coal and energy projects” means any of the following:
 - 1) Any of the following projects:
 - A) Projects at new energy generating facilities that employ the use of clean coal technology and that are fueled primarily by coal or gases derived from coal from the geological formation known as the Illinois Basin.
 - B) Projects to provide advanced technologies that reduce regulated air emissions from existing energy generating plants that are fueled primarily by coal or gases from coal from the geologic formation known as the Illinois Basin, such as flue gas desulfurization and selective catalytic reduction equipment.
 - C) Projects to provide electric transmission facilities to serve a new energy generating facility.
 - 2) Projects to develop alternative energy sources, including renewable energy projects.
 - 3) The purchase of fuels produced by a coal gasification facility.
- “Coal gasification facility” is defined as a facility in Indiana that uses a manufacturing process that converts coal into a clean gas that can be used as a fuel to generate energy.
- “Renewable energy resources” is defined as alternative sources of renewable energy, including the following:
 - 1) Energy from wind.
 - 2) Solar energy.
 - 3) Photovoltaic cells and panels.
 - 4) Dedicated crops grown for energy production.
 - 5) Organic waste biomass.
 - 6) Hydropower from existing dams.
 - 7) Fuel cells.
 - 8) Energy from waste to energy facilities producing steam not used for the production of electricity.

Except for energy described in 8), the term does not include energy from the incinerations, burning, or heating of any of the following:

- 1) Waste wood.
 - 2) Tires.
 - 3) General household, institutional, commercial, industrial lunchroom, office, or landscape waste.
 - 4) Construction or demolition debris.
- The IURC shall encourage clean coal and energy projects by creating financial incentives for clean coal and energy projects, if the projects are found to be reasonable and necessary.

- The IURC shall provide financial incentives to eligible businesses for new energy generating facilities in the form of timely recovery of the costs incurred in connection with the construction, repowering, expansion, operation, or maintenance of the facilities.
- An eligible business shall file a monthly report with IDOC stating the following information:
 - 1) The amount of Illinois Basin coal, if any, purchased during the previous month for use in a new energy generating facility.
 - 2) The amount of any fuel produced by a coal gasification facility and purchased by the eligible business during the previous month.
 - 3) Any other information the department of commerce may reasonably require.
- The State Utility Forecasting Group shall conduct an annual study on the use, availability, and economics of using renewable energy resources in Indiana. Each year, the group shall submit a report on the study to the IURC for inclusion in the commission's annual report to the Regulatory Flexibility Committee. The report must include suggestions from the group to encourage the development and use of renewable energy resources and technologies appropriate for use in Indiana.

LAND PROGRAM

WITHDRAWALS AND REMOVALS FROM JOINT SOLID WASTE MANAGEMENT DISTRICTS

SEA 283, SECTION 2; Amends IC 13-21-3-1

SEA 283, SECTION 8; Amends IC 13-21-4-6

Effective March 20, 2002

- If a county withdraws from a joint SWMD, the executive of the county may adopt an ordinance to join another or establish another joint SWMD not earlier than 15 days or not later than 45 days after the date the ordinance is introduced.

SEA 283, SECTION 3; Amends IC 13-21-4-2

Effective March 20, 2002

- If a county seeks to withdraw from a joint SWMD, withdraw and dissolve a joint SWMD, or if a SWMD seeks to remove a county, then the county executives within the SWMD must adopt identical resolutions at least 15 days apart and not more than 45 days apart. The resolutions no longer need to specify the reasons for the withdrawal or removal.

SEA 283, SECTION 4; Adds IC 13-21-4-2.5

Effective March 20, 2002

- The withdrawal of a county from a joint SWMD is effective upon the later of the date of delivery of both resolutions to the board of the joint SWMD (for a joint SWMD with more than two counties) or county executive of the other county (for a two-county SWMD), or the effective date specified in the resolutions.
- The removal of a county from a joint SWMD is effective upon the later of the latest date of delivery of all of the resolutions to the county executive of the county that would be removed, or the effective date specified in the resolutions.

SEA 283, SECTION 5; Amends IC 13-21-4-3

Effective March 20, 2002

- Instead of an analysis of the financial impact of the effect of the withdrawal or removal of a county from a joint SWMD, an analysis of the legal obligations that would remain after the withdrawal or removal is to be prepared.
- A copy of the analysis of legal obligations is to be submitted to the county executive of each county involved and to the commissioner of IDEM not more than 90 days after the resolution takes effect, rather than 90 days after the resolution is adopted.

SEA 283, SECTION 1; Adds IC 5-11-1-9.7

SEA 283, SECTION 6; Amends IC 13-21-4-4

Effective March 20, 2002

- For withdrawals or removals of a county from a joint SWMD of more than two counties, the provision on legal obligations is amended to specify that the county is responsible for its share of the legal obligations entered into by the joint SWMD before the September 20 that last precedes the date the identical resolutions for the county's withdrawal or removal take effect, and payable before the second January 1 that succeeds the September 20. The county executive of the county that withdraws or is removed must enter into a written agreement that specifies the legal obligations not more than 60 days after the date the state examiner issues a report with respect to the withdrawal or removal.

- When a two-county SWMD dissolves, each county is responsible for its share, rather than being jointly responsible, of the legal obligations entered into prior to the date the SWMD is dissolved.

SEA 283, SECTION 7; Amends IC 13-21-4-5

Effective March 20, 2002

- A public meeting must be held not later than 45 days after the date the tentative agreement on remaining legal obligations is reached, instead of on the financial impact and the withdrawal/removal of the county from the joint SWMD. Each of the county executives and the board of the SWMD may hold a public meeting individually or jointly.

SEA 283, SECTION 9; Amends IC 13-21-4-7

Effective March 20, 2002

- If a county designates itself as a new county SWMD or forms a new joint SWMD, the district plan must be adopted by the county executives not later than 60 days after the date the district plan is filed with IDEM, rather than before the date the county withdraws or is removed from the joint SWMD.

SEA 283, SECTION 10; Amends IC 13-21-5-21

Effective March 20, 2002

- In the event of a county withdrawal or removal from a joint SWMD, the amount of time that a new county SWMD, new joint SWMD, or remaining joint SWMD has to file a new district plan to IDEM is not later than one year after the effective date of the identical resolutions for withdrawal/removal or the addition of a county to a joint SWMD. This is changed to one year from 20 days if a county withdraws from a joint SWMD and designates itself as a single-county SWMD; from 120 days if a county that is removed by a joint SWMD designates itself as a single-county SWMD; from 30 days if a county joins an existing joint SWMD; from 30 days if a county joins in establishing a new joint SWMD; from 45 days for a joint SWMD if a county withdraws; and from 120 days for a joint SWMD if a county is removed.
- The district plan of the joint SWMD continues to serve as the plan for the new county SWMD or the new joint SWMD to the extent that the terms of the plan apply to the new county or joint SWMD until the new county or joint district plan is approved by IDEM.
- If the board of the new county or joint SWMD fails to file the district plan with IDEM not later than one year after the effective date of the identical resolutions, or after the addition of a county into a joint SWMD, or after adoption of an ordinance establishing a joint SWMD, then IDEM may adopt a district plan for the SWMD.

SEA 283, SECTION 11; Noncode—Repealers

Effective March 20, 2002

- IC 13-21-4-8, the provision on a joint SWMD board adopting a resolution on the withdrawal or removal of a county from a joint SWMD, and dissolution of a two-county SWMD, is repealed.
- IC 13-21-4-9, the provision on the 365-day time limit for completing the procedures for withdrawal or removal of a county from a SWMD, is repealed.

SEA 283, SECTION 12; Noncode

Effective March 20, 2002

Expires January 1, 2004

- IC 13-21-4 and IC 13-21-5, both as in effect before March 20, 2002, apply to all SWMD withdrawal, withdrawal and dissolution, or removal proceedings of all counties that comprise a SWMD if:

- 1) a county has, by adoption of a resolution by the county executive before March 20, 2002, determined to:
 - A) withdraw from a joint SWMD consisting of more than two counties; or
 - B) withdraw from and dissolve a joint SWMD consisting of only two counties; or
 - 2) two or more counties that are part of a joint SWMD have, by adoption of a resolution by the executives of each county before March 20, 2002, determined to remove a county from the joint SWMD.
- A county that seeks to withdraw from a joint SWMD, or a joint SWMD that seeks to remove a county, and have adopted a resolution before March 20, 2002, may elect to proceed with withdrawal/removal procedures as amended by SEA 283 by adoption of a resolution by the county executives by May 1, 2002.

SOLID WASTE MANAGEMENT DISTRICT PROPERTY TAX RATES

HEA 1196, SECTION 87; Amends IC 13-21-3-12

HEA 1196, SECTION 88; Adds IC 13-21-3-15.5

Effective July 1, 2002

- A SWMD may appeal to the Department Of Local Government Finance to have a property tax rate in excess of \$0.0833 on each \$100 of assessed valuation of property in the SWMD.
- The appeal may be granted if the SWMD with respect to 2001 property taxes payable in 2002:
 - 1) imposed the maximum property tax rate of \$0.0833 on each \$100 of assessed valuation of property in the SWMD; and
 - 2) collected property tax revenue in an amount less than the maximum permissible ad valorem property tax levy determined for the district under IC 6-1.1-18.5.
- The procedure applicable to maximum levy appeals under IC 6-1.1-18.5 applies to an appeal under this provision.
- An additional levy granted is not part of the total county tax levy (as defined in IC 6-1.1-21-2), and may not exceed the rate calculated to result in a property tax levy equal to the maximum permissible ad valorem property tax levy determined for the district under IC 6-1.1-18.5.
- The Department Of Local Government Finance shall establish the tax rate if a higher tax rate is permitted.

HEA 1196, SECTION 146; Noncode

Effective January 1, 2002 (retroactive)

Expires January 1, 2003

- The provisions of IC 13-21-3-15.5 apply to property taxes first due and payable after December 31, 2001.

POLLUTION PREVENTION PROGRAM

CLEAN MANUFACTURING TECHNOLOGY BOARD MEMBERSHIP

HEA 1329, SECTION 26; Amends IC 13-27.5-1-2

Effective July 1, 2002

- The membership of the Clean Manufacturing Technology Board is changed from two representatives from a public or private university, to one from a public university and one from a private university.
- The requirement that one university representative have expertise in occupational health and the workplace environment is eliminated.

MAKE CLEAN MANUFACTURING A PRIORITY FOR STATE ENVIRONMENTAL AND ECONOMIC POLICY

Senate Concurrent Resolution (SCR) 74; Not adopted by the Senate or House

- The O'Bannon Administration is urged to do the following:
 - 1) Restore all funds reverted since 1996 to the Indiana Clean Manufacturing Technology and Safe Materials Institute.
 - 2) Make clean manufacturing an economic and environmental policy priority for the State of Indiana by supporting tax incentives for investment in clean manufacturing and increasing the budget of the Indiana Clean Manufacturing Technology and Safe Materials Institute in the 2003-2005 biennial budget.

INTERIM STUDY COMMITTEE ON STATE SALES TAX EXEMPTIONS ON RECYCLED PRODUCTS

House Concurrent Resolution (HCR) 44; Adopted by the House, not adopted by the Senate

- The Legislative Council is urged to establish an interim study committee to study state sales tax exemptions on recycled products.
- The committee, if established, shall operate under the direction of the Legislative Council, and the committee shall issue a final report when directed to do so by the Legislative Council.

WATER PROGRAM

REPORT TO EQSC ON STATUS OF ADMINISTRATIVELY EXTENDED NPDES PERMITS

HEA 1329, SECTION 10; Adds IC 13-15-4-19

Effective March 28, 2002

- Before July 15 of each year, the commissioner of IDEM is directed to provide to the EQSC a list, current through July 1 of the year, of NPDES permits that have been administratively extended that includes for each permit:
 - 1) the number of months that the permit has been administratively extended;
 - 2) the number of months that IDEM has extended a time period or suspended processing of a permit application;
 - 3) the type of permit according to the types identified in IC 13-18-20-2 through IC 13-18-20-11; and
 - 4) the dates when public notice of a draft permit was given.

DEFINITION OF "WATERS"

HEA 1306, SECTION 1; Amends IC 13-11-2-265

Effective March 28, 2002

HEA 1306, SECTION 3; Noncode

Effective July 1, 1996 (retroactive)

- The definition of "waters" is amended back to its structure before the recodification of Title 13 of the Indiana Code in 1996.

EQSC RECOMMENDATION ON WETLANDS

HEA 1306, SECTION 2; Noncode

Effective March 28, 2002

- The EQSC is directed to do the following:
 - 1) To the extent the following are involved in the implementation of a rational wetland management policy, consider:
 - A) Protection of surface and ground water quality.
 - B) Control of location of accumulations of water.
 - C) Water rights.
 - D) Agricultural land use.
 - E) Nonagricultural land use.
 - F) Flood control.
 - G) Natural habitat protection.
 - H) Any other matter the EQSC identifies.
 - 2) Recommend principles for addressing state or local government management of and, with respect to state management, state agency responsibility for:
 - A) land areas with wetland characteristics; and
 - B) location and quantity of nonwetland surface water; not under the jurisdiction of the federal Clean Water Act (33 U.S.C. 1341).
 - 3) Recommend a framework for overall state policy on wetlands to implement the 1996 Indiana Wetland Conservation Plan with goals, objectives, and responsibilities, including recommendations on:
 - A) as a long term strategy, the types and functions of wetlands that are valued in particular geographic areas; and

- B) the means for restoring, maintaining, and protecting wetlands, including identification of agencies to be involved and the incentives to be offered.
- 4) Recommend the appropriate role and components of banking programs as part of a mitigation rule to foster private initiatives to restore wetlands in the context of a rational statewide wetland strategy.
- 5) Consider the options for statutory definition of “private pond” and explain the implications of each option.
- 6) Submit its final report on the matters referred to above before November 1, 2002, to the Governor and the executive director of LSA.
- The EQSC shall consult with and otherwise involve the director of IDNR or the director’s designee, and representatives of all federal agencies involved in the regulation of wetlands in its proceedings for consideration of the matters listed above.
- A state agency or board may not:
 - 1) adopt or amend an administrative rule concerning the definition of “wetlands” or “isolated wetlands”; or
 - 2) enforce an administrative rule promulgated after January 1, 2002, that concerns the definition of “wetlands” or “isolated wetlands”;
 until the EQSC has submitted its final report or until May 1, 2003, whichever occurs first.

PUBLIC WATER SYSTEMS

HEA 1329, SECTION 1; Amends IC 4-21.5-3-4

HEA 1329, SECTION 2; Amends IC 13-11-2-108

HEA 1329, SECTION 3; Amends IC 13-11-2-177.3

HEA 1329, SECTION 4; Amends IC 13-11-2-259

HEA 1329, SECTION 5; Amends IC 13-11-2-264

HEA 1329, SECTION 11; Amends IC 13-15-8-1

HEA 1329, SECTION 13; Amends IC 13-18-11-12

HEA 1329, SECTION 14; Amends IC 13-18-16-1

HEA 1329, SECTION 15; Amends IC 13-18-16-5

HEA 1329, SECTION 16; Amends IC 13-18-16-6

HEA 1329, SECTION 17; Amends IC 13-18-16-7

HEA 1329, SECTION 18; Amends IC 13-18-16-8

HEA 1329, SECTION 19; Amends IC 13-18-16-10

HEA 1329, SECTION 20; Amends IC 13-18-16-11

HEA 1329, SECTION 21; Amends IC 13-18-16-12

HEA 1329, SECTION 22; Amends IC 13-18-16-13

HEA 1329, SECTION 23; Amends IC 13-18-17-6

HEA 1329, SECTION 24; Amends IC 13-18-20-9

HEA 1329, SECTION 27; Amends IC 16-41-27-10

HEA 1329, SECTION 28; Amends IC 16-41-27-22

HEA 1329, SECTION 29; Noncode—Repealers

Effective July 1, 2002

- The terms “water supply system” and “public water supply” are replaced with “public water system.”

IDNR AQUATIC WEED CONTROL PERMITS

SEA 230, SECTION 1; Amends IC 14-22-9-10

Effective July 1, 2002

- The type of management of aquatic vegetation in public waters or boundary waters of the state that requires a permit from IDNR is expanded from “chemically treat aquatic vegetation” to “chemically, mechanically, physically, or biologically control aquatic vegetation.”

- IDEM, rather than ISDH, provides written approval to IDNR if the aquatic vegetation proposed to be chemically controlled is in a public water supply. *Note: IDEM has been performing this function since it branched out of ISDH and became its own agency in 1986. The language to indicate that it is the duty of IDEM, rather than ISDH, was inadvertently not made.*
- For the exclusions to the permit requirement, the type of management is expanded from “chemically treats” to “chemically, mechanically, or physically controls aquatic vegetation.”
- For the exclusions to the permit requirement, the area where vegetation is to be controlled is changed from “does not exceed ½ acre or 50 percent of the existing area of aquatic vegetation, whichever is less” to “does not exceed 25 feet along the legally established, average, or normal shoreline, a water depth of six feet, and a total surface area of 625 square feet.”

RESTRICTION OF PERCENTAGE OF DRINKING WATER STATE REVOLVING FUND CAPITALIZATION GRANT ALLOTTED FOR TECHNICAL ASSISTANCE

HEA 1329, SECTION 25; Amends IC 13-18-21-3

Effective July 1, 2002

- The wording “shall use two percent of the funds” is changed to “may use not more than two percent of the funds” of the Drinking Water State Revolving Loan Fund capitalization grant to provide technical assistance to participants for public water systems serving not more than 10,000 persons in Indiana.

EQSC STUDY THE CREATION OF AN ENVIRONMENTAL FINANCIAL ASSISTANCE AUTHORITY AND ASSESS ENVIRONMENTAL INFRASTRUCTURE NEEDS IN INDIANA

House Resolution (HR) 56; Adopted by the House

- The Legislative Council is urged to assign to the EQSC the following topics:
 - 1) Studying the feasibility of establishing a single environmental financial assistance authority to administer the wastewater revolving loan program, the drinking water revolving loan program, and the supplemental drinking water and wastewater assistance fund and program.
 - 2) Assessing and quantifying wastewater, drinking water, storm water control, combined sewer overflow, and nonpoint source infrastructure needs in Indiana.
 - 3) Identifying funding mechanisms and recommending other methods of providing additional financing that may be used to address the unmet environmental infrastructure needs in Indiana.

COUNTY FUNDING FOR SEPTIC SYSTEMS

SEA 43, SECTION 1; Adds IC 36-9-40

Effective July 1, 2002

- “Sewage disposal system” is defined as septic tanks, wastewater holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to store, treat, make inoffensive, or dispose of human excrement or liquid carrying wastes of a domestic nature.
- A county may install private sewage disposal systems.
- A county works board may construct a private system on land owned by a private entity if:
 - 1) the owner of the land has applied to the works board for construction of a system that the works board determines is appropriate for the sewage disposal needs of the location;
 - 2) the owner of the land has supplied in the application to the works board sufficient information to prepare a preliminary resolution to approve construction of the system;

- 3) the works board has adopted a preliminary resolution approving construction of the system; and
 - 4) with respect to the system, the works board has, at the time the preliminary resolution is adopted, adopted and placed on file cross-sections, general plans, specifications, and an estimate of the cost.
- Notice of a hearing on the preliminary resolution approving construction of the system shall be published in accordance with IC 5-3-1. The works board shall send the notice to the property owner that applied for construction of the system.
 - At the hearing, the works board shall do the following:
 - 1) Hear interested persons.
 - 2) Decide whether the benefits that will accrue to the property liable to be assessed for constructions of the system will equal the maximum estimated cost of construction of the system.
 - 3) Determine the assessment against the property on which the system is constructed in an amount that does not exceed the engineer's estimate.
 - If the works board finds that the benefits will not equal the maximum estimated cost of construction of the system, the board shall take no further action.
 - The preliminary resolution is final and conclusive on all parties if the preliminary resolution is modified or confirmed, and construction of the system is ordered.
 - A contractor for construction of a system must guarantee the contractor's workmanship and all materials used in the work. If repairs to a system become necessary, the county must give written notice to the contractor to make the repairs.
 - The works board shall levy special assessments if the contract for construction of the system is executed, and the system is constructed. The special assessments levied may not exceed the cost of construction of the system.
 - As soon as a contract for construction of a system has been completed, the works board shall have an assessment prepared for the property on which the system is constructed. The property on which the system is constructed is liable for assessment.
 - The following apply to the assessment indicated against each lot, tract, or parcel of land:
 - 1) The assessment is presumed to be the special benefit to the lot, parcel, or tract of land.
 - 2) The assessment is the final and conclusive assessment unless the assessment exceeds the engineer's estimate, and is challenged.
 - Immediately after the assessment roll is completed and filed, the works board shall notify in writing the owner of the property on which the system is constructed:
 - 1) of the assessment amount;
 - 2) that the basis of the assessment amount is on file and may be inspected at the works board's office; and
 - 3) of the time and date before which an objection must be filed with the works board.
 - If an objection is filed, the works board shall set a hearing. After the hearing, the works board shall sustain or modify the assessment by confirming, increasing, or reducing the presumptive assessment. The works board's decision must be based on the works board's findings concerning the special benefits that the property has received or will receive on account of construction of the system.
 - The county auditor shall receive the payment of assessment installments, and keep all accounts and give proper vouchers for the payment of assessment installments. Proceeds arising from assessments for the payment of a particular system may not be diverted to the payment of any other system. The proceeds from assessments for the payment of a particular system constitute a separate special fund.

- Failure to pay an installment of principal or interest when the installment is due makes all installments of principal yet unpaid due and payable immediately, unless the unpaid installment of principal or interest is paid within the grace period provided. The county shall proceed to collect delinquent installments as delinquent taxes are collected.

COUNTY ONSITE WASTE MANAGEMENT DISTRICTS

SEA 99, SECTION 1 and SEA 461, SECTION 1; Amends IC 6-2.1-3-33

SEA 99, SECTION 2 and SEA 461, SECTION 7; Adds IC 36-11

Effective July 1, 2002

- “District” is defined as a county onsite waste management district.
- “Governing body” is defined as the county executive of the county in which the district is located or proposed to be located.
- “System” refers to a “sewage disposal system,” which is defined as septic tanks, wastewater holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to store, treat, make inoffensive, or dispose of human excrement or liquid carrying wastes of a domestic nature.
- A county onsite waste management district may be established to perform one or more of the following functions related to onsite waste management:
 - 1) Inventory of systems.
 - 2) Inspection of systems.
 - 3) Monitoring the performance and maintenance of systems.
 - 4) Establishing standards for installation and inspection of systems that are no less stringent than standards established by ISDH, and procedures for enforcement of the standards.
Enforcement of standards by a district does not affect the authority of the IDEM, ISDH, or a local health department.
 - 5) Seeking grants for system maintenance and any other activities described in IC 36-11.
 - 6) Establishing rates and charges for the operation of the district.
 - 7) Establishing policies and procedures for the use of grants and other revenue of the district for installation, maintenance, and other activities of the district relating to systems in the district.
 - 8) Seeking solutions for disposal of septage from systems.
 - 9) Education and training of system service providers and system owners.
 - 10) Coordination of activities of the district with activities of local health departments, IDEM, IDNR, and ISDH.
 - 11) Other functions as determined by the governing body of the district.
- The district may include area that is not contiguous, but the territory must be so situated that the public health, safety, convenience, or welfare will be promoted by the establishment of the area described as a single district.
- The description of the area to be included in a district may not include a municipality, except if the municipal legislative body has adopted an ordinance or resolution designating that area to be included in the district. The governing body shall:
 - 1) identify any area located within a municipality in the county that the governing body believes should be part of the area of the district; and
 - 2) request that the municipality adopt an ordinance or resolution to include the area identified in the district.

A municipal legislative body that has previously adopted an ordinance or resolution may adopt an ordinance or resolution to exclude from the district all or part of the area previously designated for inclusion in the district.

- The establishment or a dissolution of a district may be initiated only by the county executive.
- A notice of intent to establish or dissolve a district must be filed in: 1) the office of the executive of each governmental entity having territory within the proposed district or the district proposed for dissolution; 2) IDEM; and 3) ISDH.
- Upon the filing of a notice of intent to establish or dissolve a district, the governing body shall appoint a hearing officer to preside over public hearings concerning the establishment or dissolution of a district. The hearing officer shall fix a date, time, and place inside or within 10 miles of the proposed district for the hearing on any matter for which a hearing is authorized. The hearing officer shall provide notice of the hearing under IC 5-3-1, and by certified mail, return receipt requested, mailed at least two weeks before the hearing to IDEM and ISDH.
- A person that resides in or partially resides in an area affected by the proposed establishment or dissolution of a district may, on or before the date set for the hearing, file a written objection to the proposed establishment or dissolution of the district, and may be heard at the hearing.
- After the hearing on the proposed establishment or dissolution of the district, the hearing officer shall make findings and recommendations as to whether:
 - 1) the establishment of the district should be approved, approved with modifications, or denied; or
 - 2) the dissolution of the district should be approved or denied.
- Based on the findings of the hearing officer, the district shall provide notice of the adoption of an ordinance to: 1) each person who filed a written objection; 2) local health departments; 3) IDEM; 4) IDNR; and 5) ISDH.
- If the governing body adopts an ordinance to establish a district, a person who filed a written objection against the establishment of the district may file an objecting petition in the office of the county auditor. The petition must be filed not more than 30 days after the date the notice of the adoption of the ordinance is mailed to the person. The petition must state the person's objections and the reasons why the person believes the establishment of the district is unnecessary or unwise.
- The county auditor shall immediately certify a copy of the petition, together with other data necessary to present the questions involved, to the county legislative body. Upon receipt of the certified petition and other data, the county legislative body shall fix a time and place for the hearing of the matter. The hearing shall be held not less than five days and not more than 30 days after the receipt of the certified documents. The hearing shall be held in the county where the petition arose.
- The county legislative body shall give notice of the hearing to the petitioner and the governing body by mail at least five days before the date of the hearing. After the hearing, the county legislative body shall approve or deny the establishment of the district. The decision by the county legislative body:
 - 1) is final with respect to the establishment of the district against which the objecting petition was filed; and
 - 2) does not limit the authority of the governing body to initiate new proceedings to establish a district.
- The governing body of a district may take action by adoption of an ordinance.
- A district is not an independent municipal corporation.
- A district may do the following:
 - 1) Make contracts for the services necessary for the operations of the district, including management of the district by any public or private entity.
 - 2) Adopt, amend, and repeal bylaws for the administration of the district's affairs.

- 3) Fix, alter, charge, and collect reasonable rates and other charges, to be imposed by the governing body, in the area served by the district with respect to every person whose premises are, whether directly or indirectly, served by the district, for the following purposes:
 - A) To fulfill the terms of contracts made by the district.
 - B) To pay the other expenses of the district.
 - 4) Refuse the services of the district if the rates and other charges are not paid by the user.
 - 5) Control and supervise all licenses, money, contracts, accounts, books, records, maps, or other property rights and interests conveyed, delivered, transferred, or assigned to the district.
 - 6) Make provision for, contract for, or sell the district's byproducts or waste.
 - 7) Adopt and enforce rules to establish procedures for the governing body's actions, or for any other lawful subject necessary to the operation of the district and the exercise of the power granted.
- A district may not make expenditures or take any other action for the benefit of a property served by a system if there is an available sanitary sewer within 300 feet of the property line, except if the sanitary system operator refuses connection.
 - A district plan for the operation of the district must include a detailed statement of the activities under IC 13-26.5-2-1 that the district plans to undertake, and a timetable for the activities.
 - IC 36-11 does not limit the following:
 - 1) The formation and operation under IC 8-1-2-89 of a sewage disposal company to provide sewage disposal service to an area within a district.
 - 2) The granting of a certificate of territorial authority under IC 8-1-2-89 encompassing a part of the area within the district.

RESIDENTIAL SEWAGE DISCHARGING SYSTEMS IN ALLEN COUNTY

SEA 461, SECTION 2; Adds IC 13-11-2-144.7

SEA 461, SECTION 5; Adds IC 16-18-2-263.5

SEA 461, SECTION 8; Noncode

Effective March 28, 2002

- “Onsite residential sewage discharging disposal system” is defined as a sewage disposal system that is located on a site with and serves a one-family or two-family residence, and discharges effluent offsite.

SEA 461, SECTION 3; Amends IC 13-11-2-199.5

SEA 461, SECTION 4; Adds IC 13-18-12-9

Effective March 28, 2002

- These provisions apply to Allen County only.
- The point source discharge of sewage, treated or untreated, from a dwelling or its associated residential sewage disposal system to waters is prohibited. However, the point source discharge of treated sewage from an onsite residential sewage discharging disposal system to waters of the state is permitted if the local health department for the jurisdiction in which the system is located issues an operating permit for the system, and the discharge is authorized under a general permit issued under 40 CFR 122.28.
- In a county onsite waste management district established under IC 36-11 that performs all the functions related to onsite waste management listed in IC 36-11-2-1, the local health department for the jurisdiction in which the system is located may issue an operating permit for an onsite residential sewage discharging disposal system if the system is installed to repair a sewage disposal system that fails to meet public health and environmental standards and if:

- 1) the local health department adopts procedural rules for monitoring onsite residential sewage discharging disposal systems in the jurisdiction, including fines or penalties, or both, for noncompliance, to ensure that required maintenance is performed on the systems, and the systems do not discharge effluent that violates water quality standards;
- 2) the local health department certifies, with respect to the system for which the permit is issued, that:
 - A) the system is capable of operating properly;
 - B) the system does not discharge effluent that violates water quality standards;
 - C) an acceptable septic tank soil absorption system cannot be located on the property served by the system because of soil characteristics, size, or topographical conditions of the property;
 - D) the system was properly installed by a qualified installer, and provides the best available technology for residential discharging onsite sewage disposal systems; and
 - E) the local health department has:
 - i) investigated all technologies available for repair of the sewage disposal system that fails to meet public health and environmental standards other than the use of an onsite residential sewage discharging disposal system; and
 - ii) determined that an onsite residential sewage discharging disposal system is the only possible technology that can be used to effect a repair of the sewage disposal system that fails to meet public health and environmental standards without causing unreasonable economic hardship to the system owner; and
- 3) the system for which the permit is issued cannot be connected to a sanitary sewer because:
 - A) there is not a sanitary sewer connection available;
 - B) the sanitary sewer operator refuses connection; or
 - C) unreasonable economic hardship would result to the system owner because of the connection requirements of the sanitary sewer operator, or the distance to the sanitary sewer.

SEA 461, SECTION 6; Adds IC 16-19-3-27

Effective March 28, 2002

- ISDH is directed to do the following:
 - 1) study the use of effluent filters, recirculation media filters, aeration treatment units, drip irrigation, graveless trenches, and new technologies for residential septic systems that will cause systems to perform satisfactorily as alternatives to currently operating systems that do not perform satisfactorily because of soil characteristics, lot sizes, topographical conditions, or high water tables; and
 - 2) take all actions necessary to develop plans and specifications for use of the technologies listed above in residential septic systems.
- The executive board of ISDH is directed to adopt reasonable rules to promulgate the plans and specifications developed above, and allow for the issuance of operating permits for:
 - 1) residential septic systems that are installed in compliance with the plans and specifications promulgated; and
 - 2) onsite residential sewage discharging disposal systems in Allen County that comply with IC 13-18-12-9.

- IDEM shall take all actions necessary to apply for and obtain from the U.S. EPA a general permit under 40 CFR 122.28 for Allen County to cover the point source discharge of treated sewage to waters of the state from an onsite residential sewage discharging disposal system installed to repair a sewage disposal system that fails to meet public health and environmental standards. IDEM shall take these actions in an expeditious manner calculated to obtain the general permit as soon as possible. IDEM shall report to the EQSC before August 1, 2002, and October 1, 2002, on the progress in obtaining the general permit.
- ISDH and the executive board of ISDH shall:
 - 1) study the use of various technologies listed in IC 16-19-3-27, in an expeditious manner calculated to result in the development of plans and specifications and the adoption of rules as soon as possible; and
 - 2) report to the EQSC before August 1, 2002, and October 1, 2002, on the progress in developing plans and specifications, and adopting rules.

IDEM TO CONTINUE STUDY OF E. COLI CONTAMINATION OF LAKE MICHIGAN

- IDEM is urged to continue to monitor the E. coli contamination in Lake Michigan, to study and find the sources of the contamination, and to establish a plan of remediation to allow full use of Lake Michigan as a vital Indiana resource.

Table Of 2002 Legislation That Affects IDEM

(By Enrolled Act Number)

Enrolled Act #	Subject(S)	Synopsis	Effective Date(s)
SEA 29	Center For Coal Technology Research	The Center For Coal Technology Research is established to perform the following duties: 1) develop technologies that can use Indiana coal in an environmentally and economically sound manner; 2) investigate the reuse of clean coal technology byproducts, including fly ash; 3) generate innovative research in the field of coal use; 4) develop new, efficient, and economical sorbents for effective control of emissions; 5) investigate ways to increase coal combustion efficiency; 6) develop materials that withstand higher combustion temperatures; and 7) carry out any other matter concerning coal technology research as determined by the Center For Coal Technology Research.	7/1/02
	Utility Generation And Clean Coal Technology	The IURC shall encourage clean coal and energy projects by creating financial incentives for clean coal and energy projects.	3/28/02
SEA 43	County Funding For Septic Systems	A county may install private sewage disposal systems. A county works board may construct a private system on land owned by a private entity if: 1) the owner of the land has applied to the works board for construction of a system that the works board determines is appropriate for the sewage disposal needs of the location; 2) the owner of the land has supplied in the application to the works board sufficient information to prepare a preliminary resolution to approve construction of the system; 3) the works board has adopted a preliminary resolution approving construction of the system; and 4) with respect to the system, the works board has, at the time the preliminary resolution is adopted, adopted and placed on file cross-sections, general plans, specifications, and an estimate of the cost. The works board shall levy special assessments if the contract for construction of the system is executed, and the system is constructed. The property on which the system is constructed is liable for assessment.	7/1/02
SEA 57	Recodification Of Title 32: Property	Title 32 Property is recodified to reorganize and restate the law without substantive change. Internal references in Title 13 Environment are made to conform to the Title 32 recodification.	7/1/02
SEA 99	County Onsite Waste Management Districts	A county onsite waste management district may be established to perform one or more of the following functions related to onsite waste management: 1) inventory of sewage disposal systems; 2) inspection of systems; 3) monitoring the performance and maintenance of systems; 4) establishing standards for installation and inspection of systems that are no less stringent than standards established by ISDH, and procedures for enforcement of the standards. Enforcement of standards by a district does not affect the authority of the IDEM, ISDH, or a local health department; 5) seeking grants for system maintenance and any other activities described in IC 36-11; 6) establishing rates and charges for the operation of the district; 7) establishing policies and procedures for the use of grants and other revenue of the district for installation, maintenance, and other activities of the district relating to systems in the district; 8) seeking solutions for disposal of septage from systems; 9) education and training of system service providers and system owners; 10) coordination of activities of the district with activities of local health departments, IDEM, IDNR, and ISDH; and 11) other functions as determined by the governing body of the district.	7/1/02
SEA 216	Technical Corrections	Technical corrections were made regarding the following: the expiration of the IN Institute on Recycling; an internal reference on industrial waste disposal; the expiration of provisions on the transfer of funds to and from the ELTF and the Petroleum Trust Fund; and grammatical and internal reference on regional water, sewage, and solid waste districts.	3/14/02

SEA 230	IDNR Aquatic Weed Control Permits	The type of management of aquatic vegetation in public waters or boundary waters of the state that requires a permit from IDNR is expanded from “chemically treat aquatic vegetation” to “chemically, mechanically, physically, or biologically control aquatic vegetation.” IDEM, rather than ISDH, provides written approval to IDNR if the aquatic vegetation proposed to be chemically controlled is in a public water supply. <i>Note: IDEM has been performing this function since it branched out of ISDH and became its own agency in 1986. The language to indicate that it is the duty of IDEM, rather than ISDH, was inadvertently not made.</i> For the exclusions to the permit requirement, the type of management is expanded from “chemically treats” to “chemically, mechanically, or physically controls aquatic vegetation.” For the exclusions to the permit requirement, the area where vegetation is to be controlled is changed from “does not exceed ½ acre or 50 percent of the existing area of aquatic vegetation, whichever is less” to “does not exceed 25 feet along the legally established, average, or normal shoreline, a water depth of six feet, and a total surface area of 625 square feet.”	7/1/02
SEA 259	Hazardous Air Pollutant Emissions Reporting	The APCB is given the authority to adopt rules to require sources to report hazardous air pollutant emissions if the reporting is necessary to demonstrate compliance with emissions and other performance standards established under 42 U.S.C. 7412 or 42 U.S.C. 7429. The APCB is given the authority to amend 326 IAC 2-6 to allow IDEM to request hazardous air pollutant emissions data from individual sources for the purpose of site specific studies of hazardous air pollutant emissions and impacts. The APCB is given the authority to amend 326 IAC 2-6 or adopt new rules to establish a general requirement for sources to report hazardous air pollutant emissions. However, the rules amended or adopted by the board may not require sources to report hazardous air pollutant emissions before January 1, 2004. The EQSC is directed to do the following: 1) develop and propose a plan for the creation and funding of an effective hazardous air pollutant monitoring program to help assess potential health risks from hazardous air pollutants posed by urban air and significant sources; 2) consider methods for IDEM and ISDH to request and receive hazardous air pollution release information in a timely and effective manner and communicate to the public and the reporting sources the responses received as a result of the requests; and 3) provide to LSA, at the time the EQSC submits its final report in 2002, a report of its activities and an outline of the hazardous air pollutant program plan developed and proposed. IDEM and ISDH are directed to jointly develop and provide a five-year hazardous air pollutant strategy in writing to the EQSC before November 1, 2002.	3/28/02
SEA 283	Withdrawals And Removals From Joint Solid Waste Management Districts	The provisions on withdrawal or removal of a county from a joint SWMD are amended regarding the adoption of ordinances and resolutions, when a withdrawal or removal becomes effective, legal obligations, and the amount of time to file a district plan with IDEM.	3/20/02
SEA 357	References To The State Board Of Tax Commissioners Replaced With The Department Of Local Government Finance	References to the State Board of Tax Commissioners is replaced with the newly established Department of Local Government Finance.	1/1/02 (retroactive) & 3/21/02
SEA 381	Use Of MTBE As A Gasoline Additive	After July 23, 2004, gasoline sold, offered for sale, or used in Indiana may not contain more than 0.5 percent of MTBE by volume.	7/1/02
SEA 399	Adjustment Of Census Numbers In Statutes	The population parameters are changed in various statutes to reflect the population count determined under the 2000 decennial census.	1/1/02 (retroactive), 3/1/02 (retroactive), & 4/1/02
SEA 407	Indoor Air Quality In Schools	The ISDH may adopt rules to establish an indoor air quality in schools inspection and evaluation program to assist schools in developing plans to improve indoor air quality. The ISDH is directed to do the following: 1) inspect a school for which ISDH has received a complaint about the quality of air in the school; 2) report the results of the inspection to the person who complained about the quality of air in the school, the school's principal, the superintendent of the school district, the Indiana state board of education, and the appropriate local or county board of health; and 3) assist the school in developing a reasonable plan to improve air quality conditions found in the inspection. The School Air Quality Panel is established to assist ISDH in carrying out the indoor air quality in schools inspection and evaluation program.	7/1/02

SEA 461	County Onsite Waste Management Districts	A county onsite waste management district may be established to perform one or more of the following functions related to onsite waste management: 1) inventory of sewage disposal systems; 2) inspection of systems; 3) monitoring the performance and maintenance of systems; 4) establishing standards for installation and inspection of systems that are no less stringent than standards established by ISDH, and procedures for enforcement of the standards. Enforcement of standards by a district does not affect the authority of the IDEM, ISDH, or a local health department; 5) seeking grants for system maintenance and any other activities described in IC 36-11; 6) establishing rates and charges for the operation of the district; 7) establishing policies and procedures for the use of grants and other revenue of the district for installation, maintenance, and other activities of the district relating to systems in the district; 8) seeking solutions for disposal of septage from systems; 9) education and training of system service providers and system owners; 10) coordination of activities of the district with activities of local health departments, IDEM, IDNR, and ISDH; and 11) other functions as determined by the governing body of the district.	7/1/02
	Residential Sewage Discharging Systems In Allen County	The point source discharge of treated sewage from an onsite residential sewage discharging disposal system to waters of the state is permitted in Allen County if the local health department for the jurisdiction in which the system is located issues an operating permit for the system, and the discharge is authorized under a general permit. In a county onsite waste management district that performs all the functions related to onsite waste management, the local health department for the jurisdiction in which the system is located may issue an operating permit for an onsite residential sewage discharging disposal system if the system is installed to repair a sewage disposal system that fails to meet public health and environmental standards. ISDH is directed to study the use of various specified technologies, and take all actions necessary to develop plans and specifications for use of the technologies listed above in residential septic systems. The executive board of ISDH is directed to adopt reasonable rules to promulgate the plans and specifications developed above, and allow for the issuance of operating permits for residential septic systems that are installed in compliance with the plans and specifications promulgated, and onsite residential sewage discharging disposal systems in Allen County that comply with IC 13-18-12-9. IDEM shall take all actions necessary to apply for and obtain from the U.S. EPA a general permit for Allen County to cover the point source discharge of treated sewage to waters of the state from an onsite residential sewage discharging disposal system installed to repair a sewage disposal system that fails to meet public health and environmental standards. IDEM shall report to the EQSC before August 1, 2002, and October 1, 2002, on the progress in obtaining the general permit. ISDH and the executive board of ISDH shall study the use of various technologies in an expeditious manner calculated to result in the development of plans and specifications and the adoption of rules as soon as possible, and report to the EQSC before August 1, 2002, and October 1, 2002, on the progress in developing plans and specifications and adopting rules.	3/28/02
HEA 1001	Antiterrorism Measures	The Counterterrorism and Security Council is established. The commissioner of IDEM is a member of the council. The interim study committee on Terrorism is established.	7/1/02
HEA 1171	Lead-Based Paint	The issuance period for lead-based paint activity licenses are extended from one year to three years. A person must obtain a new type of license called a "clearance examiner license" when a person engages in the clearance of nonabatement activities. Standards are established for remodeling, renovation, and maintenance activities at target housing and child-occupied facilities built before 1960, and lead-based paint activities. Before July 1, 2002, the APCB must adopt rules to reflect HEA 1171. A person that examines the blood of a child less than seven years of age for the presence of lead must report to ISDH the results of the examination not later than one week after completing the examination. ISDH, FSSA, and local health departments shall share among themselves and with the federal Department of Health and Human Services information to determine the prevalence and distribution of lead poisoning in children less than seven years old. ISDH is given the authority to adopt rules on childhood lead poisoning.	7/1/02 & 7/1/03
HEA 1196	Solid Waste Management District Property Tax Rates	A SWMD may appeal to the Department of Local Government Finance to have a property tax rate in excess of \$0.0833 on each \$100 of assessed valuation of property in the district.	1/1/02 (retroactive) & 7/1/02

HEA 1306	Definition Of "Waters"	The definition of "waters" is amended back to its structure before the recodification of Title 13 of the Indiana Code in 1996.	7/1/96 (retroactive) & 3/28/02
	EQSC Recommendation On Wetlands	The EQSC is directed to do the following: 1) consider various aspects involved in the implementation of a rational wetland management policy; 2) recommend principles for addressing state or local government management of and, with respect to state management, state agency responsibility for land areas with wetland characteristics, and location and quantity of nonwetland surface water, not under the jurisdiction of the federal Clean Water Act; 3) recommend a framework for overall state policy on wetlands to implement the 1996 Indiana Wetland Conservation Plan with goals, objectives, and responsibilities; 4) recommend the appropriate role and components of banking programs as part of a mitigation rule to foster private initiatives to restore wetlands in the context of a rational statewide wetland strategy; 5) consider the options for statutory definition of "private pond" and explain the implications of each option; and 6) submit its final report on the matters referred to above before November 1, 2002, to the Governor and the executive director of LSA. A state agency or board may not adopt or amend an administrative rule concerning the definition of "wetlands" or "isolated wetlands," or enforce an administrative rule promulgated after January 1, 2002, that concerns the definition of "wetlands" or "isolated wetlands," until the EQSC has submitted its final report or until May 1, 2003, whichever occurs first.	3/28/02
HEA 1329	Applicant Remedies For Renewal Applications Of Administratively Extended Permits	An applicant for a renewal of a permit may proceed with the remedies available to applicants when IDEM fails to issue a decision on a new or modification to a permit within the specified time frame if the renewal application was submitted within the specified number of days prior to expiration and if IDEM fails to issue the renewal prior to the expiration of the existing permit.	3/28/02
	Report To EQSC On Status Of Administratively Extended NPDES Permits	Before July 15 of each year, the commissioner of IDEM shall provide to the EQSC a list, current through July 1 of the year, of NPDES permits that have been administratively extended.	3/28/02
	Financial Reporting To The EQSC	IDEM is directed to report to the EQSC before September 1 of each even-numbered year regarding the following: 1) IDEM's proposed distribution of funds among the NPDES, solid waste, and hazardous waste programs for the current state fiscal year; 2) IDEM's rationale for the proposed distribution; 3) any difference between the proposed distribution and the distribution made by IDEM in the immediately preceding state fiscal year; and 4) the results of an independent audit of the correlation between the distribution made by IDEM with respect to and IDEM's actual expenses related to the NPDES, solid waste, and hazardous waste programs in the immediately preceding state fiscal year.	3/28/02
	Public Water Systems	The terms "water supply system" and "public water supply" are replaced with "public water system."	7/1/02
	Restriction Of Percentage Of Drinking Water SRF Capitalization Grant Allotted For Technical Assistance	The wording "shall use two percent of the funds" is changed to "may use not more than two percent of the funds" of the Drinking Water State Revolving Loan Fund capitalization grant to provide technical assistance to participants for public water systems serving not more than 10,000 persons in Indiana.	7/1/02
	Clean Manufacturing Technology Board Membership	The membership of the Clean Manufacturing Technology Board is changed from two representatives from a public or private university, to one from a public university and one from a private university. The requirement that one university representative have expertise in occupational health and the workplace environment is eliminated.	7/1/02

Resolution #	Subject	Synopsis	Resolutions do not go to the Governor for signature or have an effective date
SCR 74	Make Clean Manufacturing A Priority For State Environmental And Economic Policy	The O'Bannon Administration is urged to do the following: 1) restore all funds reverted since 1996 to the Indiana Clean Manufacturing Technology and Safe Materials Institute; and 2) make clean manufacturing an economic and environmental policy priority for the State of Indiana by supporting tax incentives for investment in clean manufacturing and increasing the budget of the Indiana Clean Manufacturing Technology and Safe Materials Institute in the 2003-2005 biennial budget.	(not adopted by the Senate or House)*
HCR 44	Interim Study Committee On State Sales Tax Exemptions On Recycled Products	The Legislative Council is urged to establish an interim study committee to study state sales tax exemptions on recycled products.	Adopted by the House (not adopted by the Senate)*
HR 56	EQSC Study The Creation Of An Environmental Financial Assistance Authority And Assess Environmental Infrastructure Needs In Indiana	The Legislative Council is urged to assign to the EQSC the following topics: 1) studying the feasibility of establishing a single environmental financial assistance authority to administer the wastewater revolving loan program, the drinking water revolving loan program, and the supplemental drinking water and wastewater assistance fund and program; 2) assessing and quantifying wastewater, drinking water, storm water control, combined sewer overflow, and nonpoint source infrastructure needs in Indiana; and 3) identifying funding mechanisms and recommending other methods of providing additional financing that may be used to address the unmet environmental infrastructure needs in Indiana.	Adopted by the House
HR 63	IDEM To Continue Study Of E. Coli Contamination Of Lake Michigan	IDEM is urged to continue to monitor the E. coli contamination in Lake Michigan, to study and find the sources of the contamination, and to establish a plan of remediation to allow full use of Lake Michigan as a vital Indiana resource.	Adopted by the House
HR 72	IN Harbor Ship Canal Maintenance Dredging And Disposal Project Study Committee	The Legislative Council is urged to establish the Indiana Harbor Ship Canal Maintenance Dredging and Disposal Project Study Committee. The committee shall do the following: 1) study and assess the project; 2) study the viability of the site the United States Army Corps of Engineers has selected for the project's Confined Disposal Facility; 3) study the viability of alternative sites for the project's Confined Disposal Facility; and 4) submit its final report before January 1, 2003, to the Governor, the executive director of the Legislative Services Agency, and the commissioner of IDEM.	Adopted by the House

Note that resolutions do not have the effect of law. They are used to express the sentiment of the House and/or Senate. SCRs and HCRs need to be adopted by both the Senate and House. HRs need only to be adopted by the House.

* Note that although a resolution was not adopted, it still may be acted upon.

How To Properly Reference State Legislation

Most of the time, you will probably reference just the Indiana Code (IC) citation, for example IC 13-17-3-4, but sometimes you may want to indicate which enrolled act the provision came from and what year it was passed, especially for noncode provisions.

There are various ways you can properly reference an enrolled act:

- 1) You can use the Senate Enrolled Act (SEA) number or House Enrolled Act (HEA) number as long as you include the year it passed, for example:

SEA 259, passed in 2002

You must include the year it passed because the enrolled act numbers are reused every year for different pieces of legislation.

- 2) You can use the public law (P.L.) number that corresponds with the enrolled act number, for example:

P.L.166-2002

The public law number already indicates the year the legislation passed so you do not need to repeat it.

- 3) You can use a combination of the enrolled act number and the public law number, for example:

SEA 259 (P.L.166-2002)

** Remember: Once legislation becomes a law, it is no longer referred to as a "bill." It becomes an enrolled act.*

Table of Enrolled Act Numbers to Public Law Numbers for 2002

Enrolled Act #:	Public Law #:		Enrolled Act #:	Public Law #:
SEA 29	P.L.159-2002		SEA 381	P.L.26-2002
SEA 43	P.L.7-2002		SEA 399	P.L.170-2002
SEA 57	P.L.2-2002		SEA 407	P.L.144-2002
SEA 99	P.L.161-2002		SEA 461	P.L.172-2002
SEA 216	P.L.1-2002		HEA 1001	P.L.123-2002
SEA 230	P.L.19-2002		HEA 1171	P.L.99-2002
SEA 259	P.L.166-2002		HEA 1196	P.L.178-2002
SEA 283	P.L.74-2002		HEA 1306	P.L.183-2002
SEA 357	P.L.90-2002		HEA 1329	P.L.184-2002

* Note that resolutions do not have public law numbers.

How To Find The Most Current Version Of A Law In The Indiana Code After The 2002 Legislative Session

Now that the 2002 legislative session is over and new legislation has passed, we need to make sure we are using the most current version of a law.

ELECTRONIC FORMAT:

All of Indiana Code, Title 13, is available on the Internet at the following address:

www.IN.gov/legislative/ic/code/title13/ The site is maintained by the Indiana Legislative Services Agency and Access Indiana.

Please note that the “Indiana Environmental Statutes” book (the soft-covered book published by IDEM) will no longer be published. The 2001 edition is available in electronic format at the following Internet address:

www.IN.gov/idem/sandr02

INDIANA CODE BOOKS (the red hard-covered books):

Version #1: To be used until the 2002 supplement to the Indiana Code is published

You will need to use all THREE of the following resources:

- 1) 1998 edition of the Indiana Code
- 2) 2001 supplement to the Indiana Code
- 3) 2002 enrolled acts

Step 1: Look up the citation of the law in the 1998 edition of the Indiana Code, for example IC 13-18-11-1.

Step 2: Look up the same citation in the 2001 supplement to the Indiana Code. If that citation is there, then the 2001 version supersedes the 1998 version. If that citation is not there, then nothing was passed in 1999, 2000, or 2001 that amends that citation.

Step 3: Look at the “IDEM 2002 Legislative Summary” to see if any enrolled acts were passed in the 2002 session that are related to the citation you are looking up. The versions in the 2002 enrolled acts supersede the 1998 edition and 2001 supplement.

Version #2: To be used after the 2002 supplement to the Indiana Code is published

You will need to use BOTH of the following resources:

- 1) 1998 edition of the Indiana Code
- 2) 2002 supplement to the Indiana Code

(You will no longer need to look at the enrolled acts, except for noncode provisions.)

Step 1: Look up the citation of the law in the 1998 edition of the Indiana Code, for example: IC 13-18-11-1.

Step 2: Look up the same citation in the 2002 supplement of the Indiana Code. If that citation is there, then the 2002 version supersedes the 1998 version. If that citation is not there, then nothing was passed in 1999, 2000, 2001, or 2002 that amends that citation. Since the 2002 supplement is cumulative (contains 1999, 2000, 2001, and 2002 legislation), you will no longer need to look at the 1999, 2000, or 2001 supplement.

Note: The 1998 *edition* of the Indiana Code is a comprehensive collection of all laws from the 1998 legislative session and earlier. The 2002 *supplement* to the Indiana Code is a collection of new laws and amendments to existing laws from bills that were passed in the 1999, 2000, 2001, and 2002 legislative sessions. The 1998 edition plus the 2002 supplement together make-up the current set of Indiana laws. Noncode provisions (those with no IC citation) will not appear in the Indiana Code books, but can be found in the enrolled acts and in the Indiana Acts.

The Indiana Code (IC) Citation Scheme

EXAMPLE:

IC 13-14-9-8(a)(1)(A)(ii)

↑ ↑ ↑ ↑ ↑ ↑ ↑ ↑
title article chapter section subsection subdivision clause item

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|--------------|----------------------------------------------------------------------------------------|
| TITLE:       | TITLE 13. ENVIRONMENT                                                                  |
| ARTICLE:     | ARTICLE 14. POWERS AND DUTIES OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AND BOARDS |
| CHAPTER      | Ch. 9. Rulemaking Procedures                                                           |
| SECTION:     | Sec. 8. Waiver of both first and second public comment periods                         |
| SUBSECTION:  | (a)                                                                                    |
| SUBDIVISION: | (1)                                                                                    |
| CLAUSE:      | (A)                                                                                    |
| ITEM:        | (ii)                                                                                   |